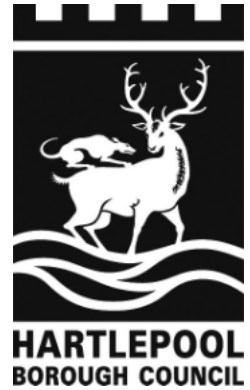


LICENSING COMMITTEE AGENDA



Wednesday 20 January 2010

at 2.00 p.m.

**in Committee Room B,
Civic Centre, Hartlepool**

MEMBERS: LICENSING COMMITTEE:

Councillors Aiken, S. Akers-Belcher, Atkinson, R W Cook, Fleet, Fleming, Griffin, Hall, Jackson, Laffey, London, McKenna, Morris, Rogan and Tumilty

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To confirm the minutes of the meeting held on 21 October 2009

4. ITEMS REQUIRING DECISION

4.1 Designated Public Places Order – Evidence for Phase 3 – *Director of Regeneration and Neighbourhoods*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

LICENSING COMMITTEE

MINUTES AND DECISION RECORD

21st October 2009

The meeting commenced at 2.00pm in the Civic Centre, Hartlepool

Present:

Councillor George Morris (In the Chair)

Councillors: Martyn Aiken, Reuben Atkinson, Mary Fleet, Sheila Griffin, Gerard Hall, Frances London, Chris McKenna and Victor Tumilty.

Officers: Sylvia Pinkney, Consumer Services Manager
Ian Harrison, Principal Licensing Officer
Tony Macnab, Solicitor
Jo Wilson, Democratic Services Officer

Also Present: Trevor Harker

10 Apologies for Absence

None

11 Declarations of interest by members

None

12 Confirmation of the minutes of the meeting held on 21st October 2009

The minutes were confirmed as a true record.

13 Executive Private Hire Vehicles (*Head of Procurement, Property and Public Protection*)

Purpose of report

To consider an amendment to the Hackney Carriage and Private Hire Licensing Policy so as to remove the requirement for certain vehicles to display identification plates when carrying out contract work.

Issue(s) for consideration by the Committee

Since January 2008 vehicles used for hire on a contract-only basis ('executive' type cars) had to be licensed by the local authority as private hire

vehicles. This meant driver and vehicle were subject to standard checking and vetting procedures and required to display private hire signage such as licence plates and 'roundals'. However a licensed driver had recently approached officers with a request that executive cars be exempt from the signage requirements. While officers recognised that it was essential for all drivers and vehicles to continue to be vetted and monitored there were circumstances where there would be no benefit to a vehicle displaying signage implying it was available for hire by the general public when it was not, such as in these cases. It was proposed therefore that vehicles operating within a specific commercial environment and not available for hire to the general public should be exempt from the requirement to display private hire signage. Details of the proposed amendment to the current Hackney Carriage and Private Hire Licensing Policy were appended to the report, along with restrictions that would be placed on the granting of such exemptions. Mr Harker, the driver in question, was present and addressed the committee.

Members expressed their support for the proposal, however it was felt that drivers should still be identifiable. A smaller metal badge was suggested rather than the larger laminated badge usually used. Officers raised the cost implications of this but members felt that as there would only be one driver the costs would be negligible. Mr Harker queried whether the rule that vehicles must be under three years old when first licensed could be relaxed as he had a 2003 Mercedes in immaculate condition. The Principal Licensing Officer was concerned that removal of this condition would apply to all licensed vehicles and could lead to problems. There was no way for licensing officers to be certain how well maintained a vehicle had been. Members felt that this exemption should remain in force.

Decision

That the new and amended conditions be approved with the following exception:

- Drivers of exempted vehicles must display an appropriate private hire drivers badge on their person at all times.

14 Gambling Act 2005 Statement of Licensing Principles (*Head of Procurement, Property and Public Protection*)

Purpose of report

To consider a draft Statement of Licensing Principles as required by the Gambling Act 2005.

Issue(s) for consideration by the Committee

Members were advised that the Gambling Act 2005, which had come into force in 2007, had transferred a range of licensing responsibilities to local authorities and the newly formed Gambling Commission. Activities within Council control included bingo halls, betting shops, amusement arcades and

casinos. Under the requirements of the Gambling Act licensing authorities must publish a statement of the principles that they propose to apply in exercising their functions under the Act – commonly referred to as a licensing policy. This must be done every three years and as Hartlepool's first policy was published in January 2007 a new policy was due for publication no later than January 2010.

A draft policy was appended to the report. In order to meet the Government's suggested three month consultation period the draft policy had been circulated amongst a range of consultees. At the previous meeting members of the Licensing Committee had determined that consideration of the draft policy be deferred following the conclusion of the consultation period on 18th September 2009. There had subsequently been no responses received, in all likelihood due to their being no substantive changes to the 2007 policy.

However there was now a requirement for licensing authorities to give reasons for adopting a 'No Casino' resolution. Members were asked if they wished this resolution to remain in force and if so give reasons for this decision. The Principal Licensing Officer reminded Members that if a 'No Casino' resolution was not adopted the Committee could still judge each case on its merits. Members discussed the issues and agreed that they were still in favour of continuing the 'no casino' resolution. People could become addicted to gambling and fall into a dangerous spiral and they had no wish to encourage this. Increased use of internet gambling was acknowledged but it was felt that this was something people did in their own homes which the Council could not control. Members also queried whether people would wish to go out to a casino when they could gamble at home. It was also felt that there were already enough places for people to gamble such as Mecca bingo and the bookmakers.

Decision

That the draft Statement of Licensing Principles be approved, with the incorporation of a 'No Casino' resolution for the following reason:

Whilst the Council recognises that gambling can be an enjoyable and harmless activity for many, it believes that a casino may provide an environment that may harm vulnerable persons who may gamble beyond their means.

15 Local Government (Access to Information) (Variation Order) 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006.

Minute 16 – Any other exempt items which the chairman considers are urgent (Para 3 - namely, information relating to the financial or business affairs of any particular person (including the authority holding that information (para 3)

16. Any Other Items which the Chairman considers are urgent

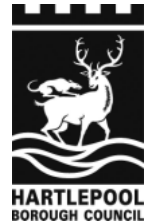
Previously Licensing Committee Members had requested officers schedule a meeting with representatives of the Magistrates Court in order to discuss recent examples of sub-committee decisions which had overturned or reduced by Magistrates on appeal. A meeting had duly been scheduled involving the Chair, Vice-Chair, representatives from licensing and legal and Magistrates. More detailed information is provided in the closed section of the minutes.

The meeting concluded at 2.50pm.

CHAIRMAN

LICENSING COMMITTEE

20th JANUARY 2010



Report of: Director of Regeneration and Neighbourhoods

Subject: Designated Public Places Order – Evidence for Phase 3

1. PURPOSE OF REPORT

To provide the Licensing Committee with evidence, on a ward by ward basis, of anti-social drinking and nuisance across the Borough, in order that members can decide on locations to include within the Phase 3 Designated Public Places Order consultation.

2. BACKGROUND

- 2.1 At the Licensing Committee meeting held on 29th July 2009 Members considered a report and evidence in the form of a powerpoint presentation, on the possible introduction of a borough wide Designated Public Places Order (DPPO).
- 2.2 Members agreed “that areas showing evidence of incidents of alcohol fuelled anti-social behaviour as identified during the meeting, be included in a third DPPO” (minute no. 7 refers). Members did not support the proposal for a borough wide DPPO.

3. EVIDENCE FOR THE PHASE 3 DPPO

- 3.1 The previous report to Licensing Committee on 29th July 2009, contained an extract from the latest Home Office guidance on DPPOs (2008) which indicates that DPPOs should only be used in areas that have experienced alcohol related disorder or nuisance. Although the guidance indicates Borough wide orders are not prohibited, the DPPO must be proportionate and therefore only target those areas where there is evidence of alcohol related anti-social behaviour. A DPPO is not intended to disrupt peaceful activities, for example, families having a picnic with a glass of wine in a park or on a beach. It is considered inappropriate for the Police to challenge drinkers who are not causing a problem.

- 3.2 The guidance also indicates that, when examining evidence of anti-social drinking and nuisance, if a DPPO is to be considered, the possibility of displacement to other areas can be taken into account and these areas included within the DPPO boundary.
- 3.3 Visual evidence in the form of location maps will be presented to Members of the Licensing committee in the form of a powerpoint presentation covering crimes and incidents recorded by the Police during the 3 year period April 2006 - March 2009.
- 3.4 In addition the King Oswy Play area was considered and agreed for inclusion within the Phase 2 DPPO, but mistakenly omitted from the publicised list of locations. Therefore it is proposed this area should be included in the Phase 3 DPPO.
- 3.5 The proposed locations to be included in Phase 3 DPPO, based on the evidence presented of anti-social drinking and nuisance in public places, have been discussed with the Neighbourhood managers for North, Centre and South areas. The locations are listed by Ward, in **Appendix 1**.

4. NEXT STEPS

- 4.1 The Local Authorities (alcohol consumption in designated public places) Regulations 2007 require the Local Authority to consult:
- Police District Commander
 - Parish Councils where the boundary includes locations proposed
 - Licensees of premises within the locations proposed
 - Land owners and occupiers within the locations proposed.
- 4.2 In addition, the Council has agreed to consult:
- Ward Councillors
 - Neighbourhood Managers
 - Portfolio Holder for Community Safety
 - Neighbourhood Consultation Forums
- 4.3 The results of this consultation will be reported to a future meeting of the Licensing Committee.

5. RECOMMENDATION

- 5.1 Members are asked to consider the evidence presented for each Ward and agree the locations, where there is sufficient evidence of anti-social drinking and nuisance in public places, for inclusion in the consultation process for Phase 3 Designated Public Places Order.

Appendix 1

PROPOSED LOCATIONS TO BE INCLUDED WITHIN PHASE 3 DPPO

North Area

1. St Hilda Ward
 Nil
2. Brus Ward
 - Open space adjacent to St John Vianney School and Gilberti Place/King Oswy Drive
 - King Oswy Play Area (from DPPO Phase 2 evidence)
3. Hart Ward
 Nil
4. Dyke House Ward
 - Avondale Gardens
 - Parton Street
 - Wharton Terrace
5. Throston Ward
 - Everett Street

Central Area

6. Burn Valley Ward
 - Oxford Road (Caledonian Road to Dorset Street)
 - Baden Street (whole street)
 - Brinkburn Road (whole street, due to possible displacement)
 - Kimberley Street
 - Colenso Street
 - Rydal Street
 - Keswick Street (due to possible displacement)
 - Grasmere Street
 - Thirlmere Street
 - Ellison Street
7. Foggy Furze Ward
 - Stockton Road (Bum Road to Stratford Road)
 - Melrose Street
 - Wolviston Road

- Barton Avenue
- Borrowdale Street
- Patterdale Street
- Wensleydale Street
- Kathleen Street
- Worcester Gardens
- Kent Avenue
- Hereford Street
- Sydenham Road
- Kendal Road

8. Rift House Ward

- Waverley Terrace
- Kipling Road

9. Park Ward

Nil

10. Elwick Ward

Nil

11. Grange Ward

Nil

12. Stranton Ward

- All streets and public spaces within the Ward to west of the railway line.
- Navigation Point

South Area

13. Greatham Ward

Nil

14. Fens Ward

Nil

15. Seaton Ward

Nil

16. Owton Ward

- Wynyard Mews

17. Rossmere Ward

Nil.